IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 22296 of 2004(D)

PETITIONER:

K.JOHNSON, S/O.KEASVAN NADAR,
CHARUVILAKATHUHOUSE,
NEERAMANKOTTUKONAM, UNDAPPARA, POOVACHAL P.O.
PERUMKULAM VILLAGE, NEDUMANGADU TALUK,
THIRUVANANTHAPURAM.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)

RESPONDENT:

STATE BANK OF TRAVANCORE, POOVACHAL
BRANCH, THIRUVANANTHAPUAM REP. BY ITS MANAGER.

BY ADV. SRI.SATHISH NINAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 22296 OF 2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE DECREE IN OS NO.1306 OF 1992 OF THE SUB COURT, THIRUVANANTHAPUAM DT.29.10.1993.

EXT.P2 : TRUE COPY OF THE NOTICE RECEIVED BY THE PETITIONER SEEKING HIS PARTICIPATION IN THE LOK ADALATH CONDUCTED BY THE LEGAL SERVICES COMMITTEE DT.16.03.2002.

EXT.P3 : TRUE COPY OF THE CIRCULAR DT.29.01.2003 ISSUED BY THE R.B.I.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 22296 OF 2004

Dated this the 21st day of June, 2007

JUDGMENT

Having considered the averments in the Writ Petition and the rival submissions addressed before me by Sri.Abraham Mathew, learned counsel for the petitioner and Sri.Satheesh Ninan, Standing Counsel for the Bank, I am of the view that the only relief which can be legitimately aspired for by the petitioner in this Writ Petition under Article 227 is to direct the Bank to consider the application for one time settlement. It is seen that while admitting this Writ Petition, on 28.07.04, this court directed the respondent-Bank to consider the request of the petitioner provided the petitioner files a written request before the respondent-Bank within 15 days from the date of the interim order. Mr.Satheesh submits that a written request was actually submitted by the petitioner through registered post. On receiving that request the Bank sent a communication to the petitioner requesting the petitioner to come personally for a negotiation. But unfortunately the petitioner did not respond to that communication. I also notice that this Court became inclined to grant stay only on condition that the petitioner pays or deposits in the court below, an amount of Rs.3,000/- within one month and continues to pay Rs.1,000/- on every succeeding month.

Mr.Satheesh submits that though the initial payments were made, payments were made only up to 09.07.05, thereafter instalments have been defaulted. Whatever that be, considering the fact that a written request for one time settlement was submitted by the petitioner and the Bank directed the petitioner to approach the Bank for negotiating the issue, I dispose of the Writ Petition directing the petitioner to approach the Branch Manager of Poovachal branch(Thiruvananthapuram) of the 1st respondent Bank with a copy of this judgment within two weeks of his receiving copy of this judgment. If the petitioner approaches the Bank as directed above, the Manager will have negotiation with the petitioner and forward the petitioner's request for one time settlement with necessary recommendations to the Head Office. In the meanwhile, the petitioner is reminded that he is bound to comply with the conditions in the interim order dt.28.07.04 regarding instalment payment.

PIUS C. KURIAKOSE, JUDGE

btt